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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/434,992	11/05/1999	JOSEPH M. CANNON	90-81-39	4633

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EXAMINER

NGUYEN, DUC MINH

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 06/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PR4

Office Action Summary

Application No.

09/434,992

Applicant(s)

CANNON ET AL.

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-5, 11-14, 15, 21-24, 26, 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramey et al (6,298,128).

Consider claims 1-3, 5, 11-13, 15, 21-23, 26, 28. Ramey teaches a caller ID device (see fig. 1) comprising a memory (DB 130) adapted to store caller ID data associated with an incoming call; and a processor (processor 110) adapted to selectively store the caller ID data based on an off-hook status of a telephone (if the user does not answer the call, processor 110

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answers the call, i.e., goes off-hook, and asks the originator to leave a message. The caller ID information associated with the message is also stored with the message in the RAM portion 128; col. 4, ln. 50-67). It is inherent that if the user answers the call, i.e., goes off-hook, the caller ID information will not be stored in the RAM portion 128.

Consider claims 4, 14, 24. Ramey further teach the off-hook status relates to whether an answered call is answered by a person or by a machine (if the user does not answer the call, processor 110 answers the call, i.e., goes off-hook, and asks the originator to leave a message. The caller ID information associated with the message is also stored with the message in the RAM portion 128; col. 4, ln. 50-67). It is inherent that if the user answers the call, i.e., goes off-hook, the caller ID information will not be stored in the RAM portion 128.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 16, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramey et al (6,298,128) in view of Hirai (5,446,785).

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Consider claims 6, 16, 27. Ramey does not teach the caller ID data is store in the memory with a flag indicating whether the call was answered.

Hirai teaches the caller ID data is store in the memory with a flag indicating whether the call was answered (no-response code "0"; fig. 5, 6A-B, response information; col. 13, ln. 32 to col. 14, ln. 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Hirai into the teachings of Ramey, so that answered calls can be easily distinguished from unanswered calls.

5. Claims 7-10, 17-20²⁵, 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramey et al (6,298,128) in view of Lim et al (5,883,942).

Consider claims 7, 17. Ramey does not teach the processor being adapted to affect storage of a plurality of previously stored caller ID data in response to a given condition.

Lim teaches the processor being adapted to affect storage of a plurality of previously stored caller ID data in response to a given condition (col. 6, ln. 20-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Lim into the teachings of Ramey in order to save memory space, since the memory space is small and limited.

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Consider claims 8, 18. Lim further teaches the given condition being an indication that the memory is more full than a predetermined threshold (a pre-determined number of incoming calls, i.e., 20, 50 or 100; col. 6, ln. 2-29).

Consider claims 9, 19. Lim further teaches the given condition is user input (col. 6, ln. 34 to col. 8, ln. 13, especially, col. 7, ln. 10-16).

Consider claims 10, 20. Lim further teaches keypad (user interface 22).

Consider claim 25. Lim further teaches the caller ID storage decision is further based on a blocked status of at least a portion of the received caller ID data (col. 13, ln. 20 to col. 14, ln. 17).

Consider claims 29-30. Lim further teaches the caller ID storage decision is made in response to user input and affects caller ID data already stored (col. 6, ln. 34 to col. 8, ln. 13, especially, col. 7, ln. 10-16).

Consider claim 31. Lim further teaches the given condition being an indication that the memory is more full than a predetermined threshold (a pre-determined number of incoming calls, i.e., 20, 50 or 100; col. 6, ln. 2-29).

Consider claim 32. Lim further teaches the caller ID storage decision is made in response to user input (col. 6, ln. 34 to col. 8, ln. 13, especially, col. 7, ln. 10-16).

Consider claim 33. Lim further teaches keypad (user interface 22).

Consider claim 34. Ramey further teaches the caller ID device is part of a telephone (col. 3, ln. 59 to col. 4, ln. 37).

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (703) 308-7527.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Kuntz, can be reached on (703) 305-4708.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306 or (703) 308-6296 (Group's Fax numbers)
(703) 746-7251 (Examiner's Fax number, only for proposed amendment)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

June 5, 2002


DUC NGUYEN
PRIMARY EXAMINER